

Attorney for Debtors
Nupa Agarwal, Esq.
P.O. Box 17275
Richmond, VA 23226
804-691-2655

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division

IN RE: Richard M. McCutchen
Latrina D. McCutchen
Debtors

**Notice of Motion and Hearing to Reconsider ORDER Granting Relief From Stay By U.S.
Bank National Association, as Trustee for Citigroup Mortgage Loan And Trust**

COMES NOW, Richard M. McCutchen & Latrina D. McCutchen, the debtors, by Counsel, Nupa Agarwal, Esq. filed papers with the court asking the court Reconsider ORDER Granting Relief from Stay

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case.

If you do not want the court to grant the relief sought in this petition or if you want the court to consider your views on the petition, then you or your attorney must:

File a response with the court pursuant to Local Bankruptcy Rule 9013-(H) so that the court receives it no later than fourteen (14) days prior to the hearing date. You must mail your response to the Clerk, United States Bankruptcy Court, 701 E. Broad Street, Richmond, VA 23219.

You must also attend a hearing on the Motion to Reconsider Order of Dismissal of the Chapter 13 case, scheduled to be held on **May 3, 2017 @ 12PM** at the U.S. Bankruptcy Court, 701 E. Broad Street, Courtroom 5100, Richmond, VA 23219.

You must also mail a copy of your response to Nupa Agarwal, Counsel for Debtor, P.O. Box 17275, Richmond, VA 23226.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief Sought in the motion and may enter an order granting the motion.

Date: April 18, 2017

/s/ Nupa Agarwal
Nupa Agarwal, Esq.
P.O. Box 17275
Richmond, VA 23226
Attorney for Debtor

Certificate of Service

I hereby certify that on April 18, 2017 I served by ECF or mailed a true copy of this Motion to Reconsider Order of Dismissal of Chapter 13, and Notice of Motion to: Karl Anthony Moses, JR attorney for BWW Law Group, 8100 Three Chopt Road, Suite 240, Richmond, VA 23229 for US Bank National Association, as Trustee for CitiGroup Mortgage Loan Trust; Richard M. McCutchen & Latrina D. McCutchen, Debtors at the 5804 Kristenleaf Court, Richmond, VA 23225; to the Trustee; United States Trustee at 701 E. Broad Street, Room 4304, Richmond, VA 23219; and to the parties on the attached service list.

/s/ Nupa Agarwal
Nupa Agarwal

Attorney for Debtors
Nupa Agarwal, Esq.
P.O. Box 17275
Richmond, VA 23226
804-691-2655

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division

IN RE:

Richard M. McCutchen
Latrina D. McCutchen
Debtors

Case No. : 13-31727

Chapter 13

U.S. Bank National Association, as Trustee
for Citigroup Mortgage Loan Trust 2007-
WFHE3, Asset-Backed Pass-Through Certificates,
Series 2007-WFHE3
Movant

V.

Richard M McCutchen
Latrina D. McCutchen
Debtors
And
Carl M. Bates
Trustee

Motion to Reconsider ORDER Granting Relief From Stay BY U.S. Bank National Association, as
Trustee for Citigroup Mortgage Loan And Trust

COMES NOW, Richard M. McCutchen & Latrina D. McCutchen, the debtors, by Counsel, Nupa Agarwal, Esq. to move this Court for a Motion to Reconsider Order Granting Relief From Stay entered by the Court on April 14, 2017. In support of this Motion, the debtors state the following:

1. The debtors filed a Voluntary Petition under Chapter 13 of the United States Bankruptcy Code on March 28, 2013. Their Chapter 13 Plan has been confirmed.
2. The debtors are owners of 5804 Kristenleaf Court, Richmond, VA 23225 with a Mortgage owned By U.S. Bank National Association, as Trustee for Citigroup Mortgage Loan.
3. U.S. Bank National Association, as Trustee for Citigroup Mortgage Loan and Trust for CitiGroup through their Attorney Karl Anthony Moses, Jr. with the Law Firm of BWW Law Group, LLC filed a Notice of Default on March 13, 2017 with a 14 day Cure Period.
4. The Debtors provided Proof of Payments within the (14 day) cure time limit given to "Cure the Default". During this time period, Mr. McCutchen was ill and the family was in a state of very

high stress. Before the Notice of Default was filed it appears that they had been making the correct monthly payment amount.

5. When Mrs. McCutchen made her cure payments at a local Wells Fargo Bank she was told an incorrect monthly payment amount. Ms. McCutchen was told that the payment amount was 1030.10 which was an amount that was due monthly from the period of time between April 1, 2015 through April 1, 2016.
6. On April 5, 2017, U.S. Bank National Association, as Trustee for Citigroup Mortgage Loan and Trust for CitiGroup through their Attorney filed the Certification of Default. Ms. McCutchen promptly cured the remaining balance which was only **\$35.45** by payment at the bank. The Representative at the bank stated that all receipts of amounts paid had been sent to the creditor's law firm.
7. The Debtors Attorney filed a response to the Certification of Default on April 12, 2017.
8. On April 14, 2017 an Order Granting Relief from Stay was entered.
9. The Debtor's have made the April Mortgage payment.
10. Debtors' contend that an order for relief should be reconsidered by this Honorable Court as they were under a state of stress and that relief should not be granted for a mere deficiency of \$35.45. Debtors were given incomplete and inaccurate information by the creditor's representatives otherwise no order of relief would have been granted.

WHEREFORE, the Debtors Richard M. McCutchen & Latrina D. McCutchen pray that this Honorable Court revisit the Order from Relief from Stay in this matter and withdraw the Order as asked for in this Motion.

Date: April 18, 2017

Respectfully submitted:

Richard M. McCutchen & Latrina D. McCutchen

By: /s/ Nupa Agarwal, Counsel

Certificate of Service

. I hereby certify that on April 18, 2017 I served by ECF or mailed a true copy of this Motion to Reconsider Order Granting Relief from Stay, and Notice of Motion to: Karl Anthony Moses, JR attorney for BWW Law Group, 8100 Three Chopt Road, Suite 240, Richmond, VA 23229 for US Bank National Association, as Trustee for CitiGroup Mortgage Loan Trust; Richard M. McCutchen & Latrina D. McCutchen, Debtors at the 5804 Kristenleaf Court., Richmond, VA 23225; to the Trustee; United States Trustee at 701 E. Broad Street, Room 4304, Richmond, VA 23219; and to the parties on the attached service list.

/s/ Nupa Agarwal
Nupa Agarwal

Department of Treasury-IRS
IRS
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Philadelphia, PA 19101

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Allgate Financial Llc
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AMCA
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American Credit Accept
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AT&T
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BWW Law Group, LLC
8100 Three Chopt Road
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Henrico, VA 23229

Chippenham Pediatric and Adol
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Richmond, VA 23225

City of Richmond PRC
203 East Cary Street
Suite 126
Richmond, VA 23219

City of RichmondTax Assessment
900 E. Broad Steet
Room 100
Richmond, VA 23219

CJW Medical Center
PO Box 13620
Richmond, VA 23225

Dr. Anthony Puller
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Richmond, VA 23225

DS Funding LLC
605 Lynnhaven Parkway, Ste 200
Virginia Beach, VA 23452

Focused Recovery Solut
9701 Metropolitan Ct Ste
North Chesterfield, VA 23236

Fredicksburg Credit Bureau Inc
10506 Wakeman Dr
Fredericksburg, VA 22407

Friedmans Jewelers
4550 Excel Parkway
Ste 100
Addison, TX 75001

GECRB/JC Penny
Attention: Bankruptcy
Po Box 103104
Roswell, GA 30076

Henrico Surgical Specialist
PO Box 740776
Cincinnati, OH 45274

Internal Medicine Virginia Phy
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Pediatric Cardiology
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Henrico, VA 23229

Phoenix Credit, LLC
2501 McGavock Pk., Ste 300
Nashville, TN 37214

Professional Recovery Consulta
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Richmond, VA 23218

Sallie Mae
Attn: Bankruptcy
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Wilkes-Barre, PA 18773

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Fort Worth, TX 76161

SCI
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Mechanicsville, VA 23116

Unknown
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Us Dept Of Education
Attn: Borrowers Service Dept
Po Box 5609
Greenville, TX 75403

Virginia Employment Commission
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Richmond, VA 23218-1358

Virginia Phycians Imaging
4900 Cox Rd., Ste 150
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Wells Fargo Hm Mortgage ***
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